

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26286-2021 (O&M)
Date of Decision: 12.02.2024

ManishPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate, with
Mr. Kaushik Sarup and Mr. Tarnjot Singh Sidana, Advocates,
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

FIR No.	Dated	Police Station	Section/s
1082	18.10.2016	P.S. City Gurugram, District Gurugram	Sections 148, 149, 302, 307, 217, 120-B IPC and Section 25(1b)(a) of the Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Karan Singh, wherein it is alleged that one of his sons, namely, Munish Kumar is carrying on dairy and liquor business. On 17.10.2016, when the complainant was sitting at the liquor vend of his son, then at about 11.45 pm, his son Munish Kumar along with Liyakat and driver Sukhbir came in their car for collecting cash from the vend. Around the same time, 8-10 young boys came there in a vehicle carrying weapons and started firing at his son Munish and his companions and as a result of which his son Munish sustained bullet injuries on his head and chest and his driver Sukhbir as well as Liyakat also sustained bullet injuries. The assailants, after firing the shots, made good their escape in two

vehicles. Munish was taken to hospital, but on account of the fire arm injuries he succumbed to death. It is further alleged that the complainant's family was having a dispute since long time with the family of Sandeep Gadoli and Kaushal and at the time of cremation of Sandeep Gadoli, his brother Kuldeep Brahm Prakash and his sister Sudesh announced that they will avenge the death of Sandeep and will not allow the family of Bhinder to celebrate Diwali. The complainant thus suspected that it is Brahm Prakash, Sudesh, Kaushal, Manish (brother of Kaushal) and Amit Dagar, who are involved in the murder of complainant's son namely Munish.

3. Learned senior counsel appearing for the petitioner submitted that he has falsely been implicated merely on the basis of suspicion and that there is no evidence worth credence to show that the petitioner had actually participated in the occurrence in any manner. It has been submitted that since a large number of co-accused have already been granted the concession of bail, the petitioner deserves to be treated at parity particularly when the trial is not making any headway.
4. Opposing the petition, learned State counsel submitted that since it is a case where the petitioner is specifically named in the FIR and his antecedents show that he is a dreaded criminal having been involved in dozen more cases including cases for offence under Section 302 IPC, he does not deserve to be released on bail and would be a potential threat in case he is granted bail. Learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 4 years.
5. This Court has considered rival submissions.
6. While it is correct that the petitioner is named in the FIR, but no specific overt act is attributed to the petitioner. However, the antecedents of the

petitioner reveal that the petitioner is a seasoned criminal having been involved in a large number of cases including cases pertaining to offence under Section 302 IPC. Upon arrest of the petitioner on 25.11.2019 alongwith co-accused Amit Dagar, their disclosure statements were recorded and the petitioner got demarcated the place where the accused had planned to kill the deceased. The petitioner is brother of a renowned gangster Kaushal. Under these circumstances, particularly having regard to the antecedents of the petitioner, there is a likelihood that the petitioner may try to intimidate the witnesses or commit some other offence in case granted bail. As such, the petition does not merit acceptance and is hereby dismissed.

7. The trial Court is, however, directed to take necessary steps for expediting the trial. The prosecution to ensure the presence of the PWs on the dates as may be fixed by the trial Court. The Jail Authorities concerned/ Superintendent of Police concerned shall ensure that the accused, who are in custody, are duly produced before the trial Court on the dates fixed.
8. The trial Court shall also consider the feasibility of recording the statements of the PWs through Video Conferencing in case the presence of any PW cannot be easily secured physically or in case the accused for some compelling reason cannot be produced from the jail.
9. It shall, however, be open to the petitioner to approach this Court again in case there is no progress in the trial during the next 6 months.
10. Pending application/s stand disposed of.

12.02.2024

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**